

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

DEC 07 2009

JOHN F. CONCORAN, CLERK
BY:  CLERK

UNITED STATES OF AMERICA,)	
)	
)	Case No. 5:06CR00008
)	(Case No. 5:09CV80169)
v.)	
)	<u>FINAL JUDGMENT AND ORDER</u>
)	
EUGENE ROSS COUSINS,)	By: Glen E. Conrad
)	United States District Judge
Defendant.)	

For the reasons stated in the memorandum opinion entered this day, it is

ADJUDGED AND ORDERED

that the motion to dismiss is hereby **GRANTED**, and the motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, is **DISMISSED** and stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

The Clerk is directed to send copies of this judgment and order to the defendant.

ENTER: This 7th day of December, 2009.



United States District Judge